665 and the party membership. To both men, the revolution had been completed with the establishment of the national capital at Nanking in 1928. They believed China's need in subsequent years was for organization and discipline, and the brothers helped to think out and promote the return to the conservative Confucian principles advocated by Chiang Kai-shek.[41]

M. Nanking and the Japanese Occupation

642 Almost as soon as the Nationalist armies were forced from the East China Region, the victorious Japanese established a puppet government at Nanking. Inaugurated in March 1938, it was known as the Reformed Government of the Republic of China. For two years the Reformed Government at Nanking existed side by side with the Provisional Government of the Republic of China, another puppet regime set up by the Japanese at Peking in December 1937. The difficulties and embarrassments attendant upon the supposed national character of the two governments were resolved in March 1940 when both were dissolved and a Reorganized National Government headed by the old Kuomintang revolutionary

41. See Linebarger, op. cit., pp. 84, 134, 142; White and Jacoby, op. cit., pp. 107-15 and passim; and Mary C. Wright, loc. cit.

642 Wang Ching-wei was established with its capital at Nanking as the political authority for all China. In reality, the new government like the old ones it displaced had no real power, attracted no important Chinese leaders to its standard other than Wang, and derived no real support or recognition from the Chinese people.[42]

IV. THE RISE AND VICTORY OF COMMUNISM

A. Birth of the Party in Shanghai

668 The East China Region and particularly Shanghai played an important part in the rise of Communism in China. Approximately midway between two other centers of intellectual ferment and radical thought in the early republican period -- Peking and Canton -- Shanghai was the natural meeting place of
665 representatives of the new ideas. In September 1920, a meeting of some eight intellectuals discussed the formation of a Communist Party in China, and at a larger gathering the next year in the same city, the Chinese

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42. Linebarger, op. cit., pp. 183-210; and George E. Taylor, The Struggle for North China, New York, Institute of Pacific Relations, 1940, pp. 159-62, 176-77.

Annex "A," Subparagraph 1j,
Sociological Background

EDUCATION

I. BACKGROUND

642 871 In order to understand the changes brought about by the Communists in the educational system of China, it is necessary to review the background of educational development under the Nationalist regime.

Chapter II, Article 11 of the Nationalist Constitution promulgated in 1946 states that the 'people have freedom of speech, [freedom for the] pursuit of knowledge and [freedom of] publication." Article 21 of the same chapter further spells out the principle of education by stating that the "people have the right as well as the duty to receive basic education." Interpretations of these broad principles are found in Chapter XIII, which specifies, among other things that the purpose of education includes the development of the spirit of nationalism, and that both public and private educational institutions are subject to government supervision according to law.[1]

871 656 Nationalist officials singled out two of the most controversial points for further elaboration.

1. Chung-kuo Chiao-yü Nien-chien 1948 [Educational Yearbook of China 1948], Shanghai, Commercial Press, 1948, pp. 23-24.

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II. MAJOR CHANGES BROUGHT ABOUT BY THE COMMUNISTS

A. Basic Policy

871 642 Mao Tse-tung stated in On New Democracy that, "A specific culture is the ideological reflection of the political and economic activities of a specific society."[5] In molding a culture for the "new China," Mao believed that education would be successful if it contained "scientific substance, oriented toward the masses and adapted to suit China's nationalism."[6] This principle of education was incorporated into the Common Program of 1949 which constituted the basis of the Communist Constitution promulgated in 1954. Article 41 of the Common Program states that the purpose of education is "to elevate the level of the people's culture, to prepare personnel for national reconstruction, to eradicate the thoughts of feudalism, compradorism,[7] and Fascism, and to develop the spirit of service to the people." To apply this basic policy to education, Article 47 of the same document further specifies that: "education must be systematically popularized; secondary and advanced education must be strengthened; technical education must be emphasized; spare-time education for laborers and cadres must be stressed; and revolutionary political education must be given to both young and old intellectuals.[8]

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5. Mao Tse-tung, Mao Tse-tung Hsüan-chi [Selected Works of Mao Tse-tung], Vol. II, Peking, Jen-min ch'u-pan-she, p. 666.

6. Hsia Feng, Hsiao-hsüeh Chiao-shih Shou-tse [Handbook for Primary School Teachers], Shanghai, Wen-hua ch'u-pan-she, 1953 p. 8.

[continued next page]

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These pronouncements became the guiding light for the Communists in their effort to revamp the educational system of China until the promulgation of the Constitution in 1954. In reality, the new Constitution has nothing to add to or substract from the principles already in practice. Article 94 of the Constitution says that "Citizens of the People's Republic of China have the right to education. To guarantee enjoyment of this right, the state establishes and gradually extends the various types of educational institutions. The state pays special attention to the physical and mental development of young people." The next article in the Constitution "safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural activity." These are innocuous statements of commonly accepted principles. Reiteration of these principles in the Constitution, however, provides the Communists once more with the opportunity to clarify their educational aims which are "to develop a socialist China."

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7. Comprador - a native agent employed by a foreign establishment (commercial houses, etc.) in China, to have charge of its native employees.

8. Jen-min Shou-ts'e, 1950 [People's Handbook, 1950] Shanghai, Ta-kung pao, 1950 Section B, p. 9.

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III. GOVERNMENT STRUCTURE AFTER PROMULGATION OF THE COMMUNIST CONSTITUTION

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142 After the promulgation of the new Constitution, which was preceded by the abolition of the system of the Greater Area, the provincial government was put on a new basis. On one hand, it can be said that each province, according to the new constitution, regains the traditional status of an administrative district which stands under the supervision of the Central People's Government; on the other hand, there is a point of departure from the traditional status; that is, the members of the provincial government are elective and a provincial People's congress has a share of the deliberative functions. The avoidance of the term legislative in the section of the Constitution on provincial government suggests that the People's congress is limited to the function of deliberation and is not entitled to make the counterpart, the executive organ, responsible by changing it. Each province, according to the Communist Constitution, Article 53, is a kind of administrative district modified to such an extent that the power of passing a budget, enforcing laws, and safeguarding the rights of the citizens constitutes its only share in the powers of the executive organ. Although the provincial government is elective and a provincial People's congress sits next to it, it has no more status than an administrative district, because it is neither like the state of New York under the American Constitution nor like a British borough which operates under a special grant of powers. Furthermore, it is stipulated that the provincial government is to be subordinate to the Central Government, and that the

635 provincial People's congress can pass resolutions
642 only within the frame of the law which governs it. This means that the provincial People's congress has neither power by itself nor by special grant.

Under the Chinese Communist Constitution the status of a province is that of one of the various administrative districts which comprise provinces, autonomous regions, and municipalities directly under the central authority. Even a county and a hsiang is an administrative district, although they are not considered as being directly under the authority of the Central Government.

The executive, deliberative, and judicial branches of the provincial government are constituted as follows:

The provincial executive units consists of one governor, a number of deputy-governors, and twenty-five to fifty-five members of the provincial People's council. The governor, the deputy-governors, and the members of the provincial council are elected by the provincial People's congress, while those who are commissioners of the departments of Civil Affairs, Public Security, Finance, Agriculture and Forestry, and the other twelve departments are appointed by the Central People's Government. The fact that the commissioners are appointed confirms the view that the provincial administration is not a kind of self-government, but stands under the centralized control of the Peking government.

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642 The provincial People's congress according to the Constitution, has the following powers:

1. To insure observance and execution of the laws, decrees, and resolutions of the People's congress of the higher level.

2. To adopt and promulgate resolutions within the limits of their functions and powers.

3. To plan economic construction, cultural construction, public works, pensions, and relief work.

4. To consider and approve budgets and financial statements.

5. To elect members of the People's council of the corresponding level.

6. To elect presidents of the provincial People's courts.

7. To elect deputies to the People's congresses of the next higher level.

8. To hear and examine the work reports of the People's Council and the People's courts of the corresponding level.

9. To revise or annul inappropriate decisions of the People's congresses of the next lower level and the inappropriate decisions and orders of the People's councils of the next lower level.

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642 10. To protect public property, maintain public order, and safeguard civil rights.

11. To insure the equal rights of minority nationals.

12. To recall the members of the provincial People's council and the president.

From this list it may appear that the powers of the provincial People's congress are clearly defined. However, since the stipulations of Point 9 provide that the decisions of a provincial People's congress can be annulled or revised; the National People's Congress or the Central People's Government is certain to have a share in the annulment or revision. This reconfirms the fact that the provincial People's congress has no power of its own independent of the central organizations.

The formation of the provincial People's congress is based on a method of indirect rather than direct election. It is governed by two principales -- the population of the province and the number of the counties which lies within the territory of each province.

These two principles are stipulated in the Electoral Law for congresses of all levels. The first principle states that a province with a population not exceeding 20,000,000 shall elect from 100 to 400 deputies; a province with a population exceeding 20,000,000 shall elect from 400 to 500 deputies. In a province where the population and the number of counties are exceptionally small, the number of deputies may be less than 100 but

not less than 50; in a province where the population and the number of counties are exceptionally large the number of deputies may exceed 500 but shall not exceed 600.

Because the members of the provincial People's congress are elected, not directly by the people of the province, but indirectly by the counties, the provincial municipalities, towns, and others, the number of the membership of the provincial congress is governed by a second principle, which may be stated as follows: a county with a population not exceeding 200,000 shall elect one to three deputies; a county with a population not exceeding 200,000--600,000 shall elect two to four deputies; and a county with a population not exceeding 600,000 shall elect three to five deputies. From the municipalities and towns and the important industrial mining districts within the provinces, one deputy shall be elected by every 20,000 inhabitants. Based on the above-mentioned principles, the number of the members of the provincial congress of these five provinces can be shown in the following tabulation.

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	SHANTUNG	KIANGSU	ANHWEI	CHEKIANG	FUKIEN
Population	48,876,192	41,252,192	30,343,637	22,865,747	13,142,721
Number of Delegates	557	449	414	451	283
Municipalities	4	6	6	7	4
Administrative Districts	11	8	7	6	8
Counties	126	69	68	77	67
Mining Districts	1	-	-	-	-

Source: Enlightenment Daily, Peking, November 1, 1954, p. 1; Jen-min Shou-ts'e 1955 [People's Handbook 1955], Tientsin, Ta-kung pao, 1955, pp. 234-35.

As an example of these five provincial assemblies, the membership of the Fukien Provincial People's Congress has been analyzed by the New China News

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635 Agency. The information which follows is drawn
642 from that source.

Present at the meeting were deputies of the various provinces, the various strata and classes and the various professions, as well as the deputies of the returned overseas Chinese and minority nationalities, a total of 283. Among the deputies elected, 46.3 per cent were workers, revolutionary employees, and revolutionary servicemen; 24.7 per cent were peasants and fishermen; 14.1 per cent were professional men; and 14.9 per cent were industrialists, merchants, and members of the community who called themselves non-Communist. There were forty-five women acting as deputies and five deputies representing the national minorities. There were also well-known industrial and agricultural "labor models" among the deputies. Also attending the meeting, among the deputies, were five Chinese returned from overseas.[2]

From the study of the percentages of representatives from the various groups in the Fukien Provincial Congress, it can be seen that the Communist Party has the absolute majority. Not only the so-called revolutionary employees and servicemen are members of the Communist Party, but also the representatives of the peasants' and workers' groups. Only a few of the representatives belong to the self-termed democratic groups, and their number is so small that they cannot have any influence in provincial politics.

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2. Jen-min Jih-pao [People's Daily], Peking, August 15, 1954.

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642 The work done by the Fukien Provincial Congr can be seen in its schedule dated from August 2 to August 11, 1954, which records (1) the examination and approval of the report of the work of the Fukien People's Government during the past five years; (2) resolution on the future tasks of the province; (3) approval of the statement of the financial accounts for the fiscal year 1953 and the budget for the fiscal year 1954; discussion of the Draft Constitution of the People's Republic of China, and the passing of a resolution for its suppprt; and (5) finally, national election of the People's deputies from Fukien Province to the First National People's Congress.[3]

From reading the reports about the Provincial Congress in the Communist newspapers, one can learn only that reports on the work of the provincial government were approved and that the budget was passed It is hard to find a reference to any debate or any counter-proposal, and it is still harder to find any evidence of opposition or mention of critical remarks. The provincial congress like the National Congress is an organization for expressing popular support of Communist policies, rather than for debate on government policies.

It is stipulated in Article 59 of the Communist Constitution that, "The People's congress, at county level and above elect and have power to recall the presidents of People's courts at corresponding level which is nothing else but another version of the articles of the Constitution of the USSR, numbers 105 through 109. Furthermore, an assessor system, which is provided for in Article 75 of the Communist Constitution, has been adopted for the first time in Chinese history.

3. Ibid.

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642 Another institution which follows the Soviet pattern is the procuratorate. The provincial procurator is not elected, but appointed for four years by the procurator-general in Peking. Each county has a similar official, appointed by the provincial procurator with approval of the procurator-general. The fact that the president of a law court, according to the Communist Constitution, is to be elected, shows that he is less a jurist appointed for life than a person who looks after the interests of the Communist Party.

Workers or peasants who are Communists or fellow-travelers may sit in court and participate in the proceedings. According to the Chinese Communist view, the judiciary is a component part of politics and must promote the interests of the working class. Many favorable reports have appeared in Mainland newspapers but since the judiciary, and the provincial or county congress were established only a year ago, a judgment upon their merits must be postponed.

A list of the governors, deputy-governors, and the chief procurator who have been recently elected in these five provinces, is as follows:

1. Shantung

a) Governor Chao Chien-min
b) Deputy-Governors
Chao Che-fu
Wang Cho-ju
Liu Min-sheng
Li Ch'eng-chih
c) Provincial High People's Court
President-Yang Hsüan-wu

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2. Kiangsu

a) Governor-Hui Yü-yü

b) Deputy-Governors
Liu Shun-yüan
Kuan Wen-wei
Leng Yü
Chi Fang

c) Provincial High People's Court
President-Liu Shao-t'ang

3. Anhwei

a) Governor-Huang Yai

b) Deputy-Governors
Li Shih-nung
Chang K'ai-fan
Kuei Lin-hsi

c) Provincial High People's Court
President-Ch'en Yüan-liang

4. Fukien

a) Governor-Yeh Fei

b) Deputy-Governors
Ch'en Shao-k'uan
Chiang I-chen
Ting Ch'ao-wu
Chia Chiu-min

c) Provincial High People's Court
President-Lan Yung-yü

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5. Chekiang

a) Governor-Sha Wen-han

b) Deputy-governors
Huo Shih-lien
Li Feng-nien
Pao Ta-san
Yang Ssu-i

c) Provincial High People's Court
President - Wu Chung-lien

The most recent work of the provincial governments of East China is described in a summary of the report made at the time of the convention of the provincial congresses.

When the Kiangsu Provincial People's Congress was convened from August 5-11, 1954, the following record appeared: " . . all the delegates of the congress expressed their approval of the report on the work done during the past year and one-half and also on the immediate tasks of Kiangsu Province. In the session of the delegates a resolution was passed which ratified the government report. It also passed resolutions that the people of the province should be united for raising the industrial production level, for the work of socialist transformation, for prevention of natural calamities in the rural areas, for insuring the fulfillment of the agricultural production plan, and for consolidating and developing the co-operatives and the mutual-aid organizations. They also sent letters of appreciation

635 to the heroes who worked for prevention of floods
642 and to the Liberation Army which were stationed in Kiangsu. They then discussed the Draft Constitution and elected sixty-seven members as representatives to the National People's Congress."[4]

When the Chekiang Provincial Congress was convened, it discussed the draft Constitution and passed a resolution for its support. The next thing on the agenda was to examine the report on government work during the past year and a half and to approve the plan for future tasks of the government. It also passed the financial statement of 1953 and the gudget for 1954. The delegates also gave consideration to a report on military construction work in Chekiang made by Liu Wen-hsueh, director of the Department of Political Affairs of the military district of the Chekiang Liberation Army. Liu said that in the past year and a half the People's Liberation Army in Chekiang had defended the coastline very well and "had given blows" to Chiang K'ai-shek's army. They liberated the Great and Small Deer islets and also the Sheep islets. A total of 2,276 men of Chiang K'ai-shek's army were killed. There were seventeen enemy planes brought down and fifteen damaged. A great number of fishing boats escorted to sea returned with a catch totaling 5,300,000 piculs (292,030 tons) of fish. Many delegates expressed the wish of the mass of the people that Formosa and the offshore island be liberated.[5]

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4. People's Daily, August 13, 1954.

5. People's Daily, August 21, 1954.

632 of associations and watching their activities, provides instruments of regimentation which see into every corner and oversee all details.

642 In conclusion, it may be said, that, although the Chinese Communists are intent upon carrying out the work of "democratic reconstruction," they are also making use of constitutional machinery, democratic institutions, and other voluntary associations in order to gain popular support for the purpose of building a broad foundation for the complete monopolization of power. It should be noticed that, before the promulgation of the Constitution, two or three years were spent in the political education of the people in order to increase their interest in polling and registration and parliamentary procedure; only then was the Chinese Communist Constitution put into effect. Regardless of the real motive of the Chinese Communists, it must be admitted that they have created a new era in the history of Chinese constitutional government.